



09 JUN 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

FRANK J. JORDAN
JORDAN AND HAMBURG LLP
122 EAST 42ND STREET
NEW YORK, NY 10168

In re Application of YAMASAKI
Application No.: 10/519,509
PCT Application No.: PCT/JP03/07480
Int. Filing Date: 12 June 2003
Priority Date Claimed: 13 June 2002
Attorney Docket No.: F-8484
For: COKE OVEN DOORS FOR PROMOTING
TEMPERATURE INCREASE IN THE VICINITY
THEREOF

:
:
:
:
:
:
DECISION ON PETITION
UNDER 37 CFR 1.137(b)
:
:

Applicant's "Petition to Revive Unintentionally Abandoned International Application," filed in the United States Patent and Trademark Office on 22 December 2004, which is being treated as a Petition for Revival under 37 CFR 1.137(b), is GRANTED.

BACKGROUND

On 12 June 2003, applicant filed international application PCT/JP03/07480. The international application claims a priority date of 13 June 2002 and designates the United States. The deadline for paying the basic national fee in the United States was thirty months from the priority date, that is 13 December 2004. Applicant missed this deadline.

On 22 December 2004, applicant filed the instant petition for revival accompanied by, *inter alia*, the requisite basic national fee as required by 35 U.S.C. 371(c)(1), a copy of the international application as required by 35 U.S.C. 371(c)(2), an executed declaration, and the petition fee of \$1500.

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) a proper reply, (2) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, (3) the petition fee required by law, and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995). A payment of the basic national fee constitutes a proper reply for entry into the national stage.

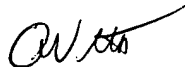
Applicant's statement in the petition that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" satisfies the requirements of 37 CFR 1.137(b)(3). The submission of the national fee and the copy of the international application satisfies 37 CFR 1.137(b)(1). The payment of the petition fee satisfies the requirement under 37 CFR 1.137(b)(2). A terminal disclaimer is not required because the application was filed on or after 08 June 1995. Therefore, the requirements for a grantable petition under 37 CFR 1.137(b) have been satisfied.

Regarding the declaration filed on 22 December 2004, 37 CFR 1.69(b) requires that the translation of a foreign language oath or declaration be accompanied by a statement that the translation is accurate. Although applicant's foreign language declaration appears to include a translation into English, it does not include a statement that the translation is accurate. Thus, the declaration is not in compliance with 37 CFR 1.69(b).

CONCLUSION

The petition to revive the application abandoned under 37 CFR 1.137(b) is GRANTED as to the National Stage in the United States of America.

The application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing, including a mailing of a Notification of Missing Requirements (PCT/DO/EO/905) indicating that a declaration including a statement in accordance with 37 CFR 1.69(b) as set forth above, is due.



Amy Vanatta
PCT Legal Administration Detailee
Telephone: 571-272-6095
Facsimile: 571-273-0459



Leonard Smith
PCT Legal Examiner
Office of PCT Legal Administration